

mittee on Finance on a bill to authorise the County Court of Cherokee county to levy additional taxes for the purpose of building a jail house, was taken up—bill read second time and ordered to be engrossed.

On motion of Mr Hord, the Senate adjourned until 10 o'clock to-morrow morning.

SENATE CHAMBER, }
Thursday, Nov. 15, 1855. }

The Senate was called to order by the President, pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Bryan presented the petition of Samuel Swartwout which was read and referred to the committee on the public debt.

Mr. White presented the petition of the heirs of John T Dillard; referred to the committee on State affairs.

Mr. Grimes, chairman of the committee on Finance, made the following report:

The committee on Finance, to which was referred a Bill for the relief of James W. Reed, have had the same under consideration, and report that from the evidence before your committee it appears that the office of District Attorney for the eleventh Judicial District became vacant, that the vacancy was filled by *Mr. Reed* for three several terms, by appointment of the Court. But as *Mr. Reed* was appointed at each term, for and during the term of Court only, he did not, nor does the law in such cases require a bond to be filed in the Comptroller's office. In the absence of a bond, the only evidence to govern the Comptroller in such cases, *Mr. Reed* could not get the claim for his services allowed, and therefore has recourse to the Legislature. The clerk of the District Court of El Paso county certifies under seal of his office, that James W. Reed was appointed at the Fall term, 1850, and that he continued to perform the duties the entire year next ensuing. As *Mr. Reed* performed the duties, your committee are of opinion that it is but justice that he receive the pay of District Attorney for the time he served as such. They therefore, recommend the passage of the Bill for his relief.

Mr. Grimes, also, made the following report:

The committee on Finance to which was referred a Bill authorizing the transfer of certain Stock Bonds, under certain conditions, have had the same under consideration, and find that the transfer was not made in direct conformity to law, but that

the transfer was made in good faith your committee does not doubt, they therefore recommend the passage of the Bill, with the following amendment—adopted.

“Provided, that such certificate shall not issue for more than the scale value of the original claim.”

Mr. Flanagan, chairman of the committee on Internal Improvements made the following report:

The committee on Internal Improvements have had before them, a Bill to incorporate the Galveston Rope, Cordage and Cotton manufacturing company, and believing it to be the policy of the State of Texas, to foster as far as possible, all such enterprizes within her limit, and particularly when articles are proposed to be manufactured out of our great staple, thereby offering a supply of rope, &c, without calling on Kentucky and Missouri. The Committee recommend the passage of the bill.

Mr. Flanagan, also made the following report:

The committee on Internal Improvements, have had before them a Bill to incorporate the Galveston Ice Company, and after due examination of the same, come to the conclusion that it is a humane enterprise, from the facts following: It is said in great confidence that this article is invaluable in the treatment of Yellow Fever. It is also said it works well with the essence of corn, wherefore, your committee recommend the passage of the Bill.

Mr. Flanagan, from the same committee, reported back a Bill granting the consent of the State of Texas to the United States, to construct break waters, Jettys, dams and other improvements on the coast of Texas. And a Bill to incorporate the Texas Marine Rail-way, and Building Association, and recommended their passage.

Mr. Potter, chairman of the committee on the Judiciary, to which was referred a Bill to authorize the Clerk of the District Court of Washington county, to transcribe certain records therein mentioned, reported the same back and recommended its passage.

Mr. Potter, from the same committee, to which was referred a Bill authorizing agents and attorneys to make affidavits in certain cases, reported a substitute therefor, and recommended its adoption and passage.

Mr Potter, also, made the following report:

The Judiciary Committee have considered a Joint Resolution, “Proposing an amendment to the constitution,” and a majority of the committee direct me to report the same back to the Senate and recommend its passage.

The object of the proposed amendment is to enable the Legislature to provide by general laws for the creation of private corporations, which the committee are of opinion cannot be done under the present provisions of the constitution. Much of the time of the Legislature is now taken up, and the State is put to great expense in legislating upon private corporation Bills, all or a great portion of which could be obviated, had the Legislature the power to pass general laws, under which these corporations could be created.

The Committee earnestly recommend the passage of the Joint Resolution.

The Judiciary Committee have considered a Joint Resolution, "Proposing an amendment of the Constitution," and a majority of the committee direct me to report the same back to the Senate, and recommend its passage.

The object of the proposed amendment of the constitution, is to empower the Governor to make temporary appointments to fill vacancies that may occur in the office of Judge of the Supreme and District Courts, and other offices therein named, until such vacancies can be filled by a regular election by the people. Under the provisions of the amendment to the constitution, approved January 16th, 1850, these offices can only be filled by election by the qualified electors of the State, and the Governor has no power to fill vacancies that may occur in any of them.

Mr. Scott, Chairman of the Committee on Public Lands, to which was referred a Bill granting Pelican Island, in Galveston Bay, to the corporation of the city of Galveston, reported the same back, and recommended its passage.

Mr. Pirkey, from the committee on Public Lands, to which was referred a Bill requiring all genuine evidences of claims to land, to be located by a time therein specified, reported a substitute therefor, and recommended its adoption and passage.

Mr. Caldwell, chairman of the committee on Indian Affairs, made the following report:

The Committee on Indian Affairs, to which was referred a Bill for the protection of the Western frontier, have had the same under consideration, and from the testimony submitted to the committee, they are fully impressed with the importance of extending immediate relief to our imperfectly protected frontier; some of our citizens are murdered, others carried into hopeless captivity, and a large quantity of the property of others is taken from them, whilst some portions is being abandoned from its want of security.

The quantity of men specified in the Bill, appears to be large, but considering the danger and importance of the service to be performed, it is believed that a less quantity will not accomplish the end desired. They therefore recommend the passage of the Bill, with the following amendment:

Add to the 4th section, "and receive the same pay and allowance that was allowed to volunteers in the service of the United States during the war with Mexico."

On motion of Mr. McCulloch, the rule requiring reports to lie on the table one day, was suspended and the Bill and report made the special order of the day for to-morrow at 11 o'clock.

Mr. Guinn, chairman of the committee on engrossed Bills, reported the following bills, correctly engrossed, viz:

A bill to amend the 4th section of an act entitled an act regulating attachments, approved March 11th, 1848. A bill supplementary to an act, authorizing the Commissioners of the General Land Office, to issue Patents on certificates issued by the Board of Land Commissioners of Robertson county, under certain restrictions, approved February 5th, 1850. A Bill for the relief of Harrison county. A bill to authorize the county Court of Cherokee county to levy an additional tax for the purpose of building a Jail House, and a bill supplementary to the act of February 28th, 1840, concerning Wills, and authorizing persons to dispose of their estates by Will.

Mr. Taylor, of Fannin offered the following resolution:

Resolved, That the committee on printing cause to be printed one hundred copies, each of the Reports of the Treasurer, on the subject of common schools, and one hundred copies each, of the reports of the Commissioner of the General Land Office, and of the Secretary of State.

On motion of Mr. Taylor, of Cass, the resolution was laid on the table.

Mr. Flannagan offered the following resolution:

Resolved, That a committee be raised on the part of the Senate, consisting of five members, to act in conjunction with the House's committee, to take into consideration, the propriety of calling a convention for the purpose of revising the State constitution, as alluded to by the Governor in his Message.

On motion of Mr. Palmer, the resolution was laid on the table by the following vote:

YEAS.—Messrs. Allen, Bryan, Burroughs, Grimes, Guinn, Hill, Martin, Maverick, Millican, Palmer, Pedigo, Pirkey, Russell, Scott, Superviele, Taylor of Cass, Taylor of Houston, Weatherford and Whitaker—19.

NAYS.—Messrs. Caldwell, Flannagan, Scott, McCulloch, Potter, Scarborough, Taylor of Fannin, Truit and White—9.

Mr. Weatherford introduced a bill to authorize the county Court of Dallas county to levy an additional tax for the purpose of building a Court House; read first time.

Mr. Russell introduced a bill for the suppression of vice and immorality on the Sabbath, or first day of the week, commonly called Sunday; read first time.

Mr. Grimes introduced a bill making an appropriation of ten thousand dollars to defray the contingent expenses of the sixth Legislature; read first time.

Mr. Taylor, of Houston, introduced a bill to amend an act to organize county Courts, approved March 16th, 1848; read first time.

Mr. Potter introduced a bill authorizing the Comptroller to issue duplicates of certain lost certificates of stock, on certain conditions; read first time.

Mr. Truit introduced a bill for the relief of James M. Robinson, and, a bill for the relief of the heirs of John P. Rohns, which were severally read first time.

A message was received from the House, informing the Senate that the House concurred in the amendment of the Senate to the resolution relative to going into the election of a United States Senator.

ORDERS OF THE DAY.

The resolution of the House, asking the concurrence of the Senate, that the committees raised in both Houses, for the purpose of enquiring into the expediency of re-organizing the Judicial Districts of the State, be required to act as a joint committee, was read and adopted.

The report of the committee on Printing, offering a substitute for a bill to repeal an act regulating the public printing, approved December 27th, 1851, was read.

Mr. Taylor, of Cass, offered a substitute therefor, which was adopted and ordered to be engrossed.

A bill to amend the fourth section of an act, entitled an act regulating attachments, approved March 11th, 1848; read third time.

Mr Taylor, of Fannin, offered the following amendment:

Strike out the words "or that he is about to remove his property beyond the county in which the suit is to be commenced."

On motion of Mr Russell the amendment was laid on the table.

Mr White offered the following amendment :

Strike out the words "secreting or transferring his property for the purpose of defrauding his creditors."

On motion of Mr Palmer, the amendment was laid on the table. The bill was then passed.

A bill supplementary to the Act of February 28, 1840, concerning wills, and authorising persons to dispose of their estates by will—read third time.

Mr Palmer offered the following amendment :

Strike out after "wills," in section 1st, the concluding lines, and insert "and the provisions of all other Acts, so far as they conflict with this, be and the same are hereby repealed"—adopted.

Mr White moved that the bill be indefinitely postponed.

On motion of Mr McDade, a call of the Senate was ordered.

On motion of Mr Grimes, Mr Armstrong was excused from attendance on account of sickness.

The Senate being full, the yeas and nays were called on the indefinite postponement of the bill, and were as follows :

YEAS—Messrs Bryan, Burroughs, Doane, McDade, Martin, Russell Scott, Superviele, Taylor, of Cass, Taylor, of Fannin, and White—11.

NAYS—Messrs Allen, Caldwell, Flanagan, Grimes, Guinn, Hill, Hord, Lott, McCulloch, Maverick, Millican, Palmer, Pedigo, Pirkey, Potter, Scarborough, Taylor, of Houston, Truit, Weatherford and Whitaker—20. Lost.

Question being on the passage of the bill, it was rejected by the following vote :

YEAS—Messrs Allen, Caldwell, Flanagan, Grimes, Guinn, Hill, Lott, Maverick, Palmer, Pirkey, Potter, Scarborough, Taylor, of Houston, Weatherford and Whitaker—15.

NAYS—Messrs Bryan, Burroughs, Doane, Hord, McCulloch, McDade, Martin, Millican, Pedigo, Russell, Scott, Superviele, Taylor, of Cass, Taylor, of Fannin, Truit and White—16.

Mr Millican moved to reconsider the vote just taken.

On motion of Mr Taylor, of Cass, the motion was laid on the table until Monday the 28th inst.

A bill to authorise the County Court of Cherokee county, to levy an additional tax for the purpose of building a jail house—read third time and passed.

On motion of Mr Potter, the Senate took a recess of five minutes, preparatory to going into the election of United States Senator.

Recess having expired, the Senate was called to order :

A message was received from the House, through their Chief Clerk, inviting the Senate into the Hall of the House, for the purpose of electing a United States Senator. Whereupon the Senate repaired to the Hall of the House of Representatives.

IN JOINT SESSION.

The roll of the Senate being called, and a quorum present—Mr Flanagan, on the part of the Senate, nominated Thomas J. Rusk. There being no other nomination, Mr Rusk received the unanimous vote of the Senate. Mr Rusk having, also, received the unanimous vote of the House was declared, by the Speaker, constitutionally and legally elected United States Senator for and during the term of six years, from and after the 4th day of March, 1857.

On motion, the Senate returned to their chamber.

A bill supplementary to an Act authorising the Commissioners of the General Land Office to issue patents on certificates issued by the board of land Commissioners of Robertson county, under certain restrictions, approved Feb. 5th, 1850—read three time and passed.

A bill for the relief of Harrison county—read third time and passed.

On motion of Mr Martin, the Senate adjourned until 10 o'clock to morrow morning.

FRIDAY, NOV. 16th, 1855.

The Senate was called to order by the President, pursuant to adjournment. Prayer by the Chaplain. Roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr Taylor, of Cass, presented the credentials of Hon Johnson Wren, senator elect from the Second Senatorial District, composed of the counties of Lamar and Hopkins, who came forward, was qualified and took his seat.

Mr McDade presented the petition of Thomas Hunt, attorney in fact for the heirs at law of Alexander Dunlap. Referred to the committee on private land claims.

Mr Allen presented the petition of sundry citizens of Denton and Cook counties; referred to the committee on public lands.

Mr Truit presented the informal petition of William Cravens, of William M. Hewitt, Sr., and of Mercer Fane; referred to the committee on public debt.

Mr Guinn, chairman of the committee on engrossed bills, reported a bill to amend an act entitled an act regulating the